

SENATE FILE NO. SF0103

State buildings-construction.

Sponsored by: Management Council

A BILL

for

1 AN ACT relating to administration of government; providing
2 for the rehabilitation and restoration of the capitol
3 building and the remodeling and construction of other state
4 properties; codifying and continuing a task force;
5 specifying process and duties relating to specified capital
6 construction projects; providing for reports; transferring
7 unexpended appropriations and making other appropriations;
8 providing for interfund borrowing and repayment of borrowed
9 funds; amending, conforming or repealing related
10 provisions; authorizing positions; and providing for an
11 effective date.

12

13 *Be It Enacted by the Legislature of the State of Wyoming:*

14

15 **Section 1.** W.S. 9-5-110 through 9-5-113 are created
16 to read:

17

1 **9-5-110. State capitol building rehabilitation and**
2 **restoration project; definitions.**

3
4 (a) As used in W.S. 9-5-109 through 9-5-113:

5
6 (i) "Advisory task force" means the joint
7 legislative and executive advisory task force on capitol
8 building rehabilitation and restoration created by W.S.
9 9-5-109(k);

10
11 (ii) "Department" means the department of
12 administration and information;

13
14 (iii) "Oversight group" means the oversight
15 group created by W.S. 9-5-111;

16
17 (iv) "Project" means the state capitol building
18 and Herschler state office rehabilitation, restoration and
19 renovation project described in W.S. 9-5-112, including all
20 components of the project.

21
22 **9-5-111. State capitol building rehabilitation and**
23 **restoration project oversight group; creation; duties.**

1 (a) There is created a state capitol building
2 rehabilitation and restoration oversight group comprised
3 of:

4
5 (i) The governor;

6
7 (ii) The president of the senate and majority
8 and minority floor leaders of the senate;

9
10 (iii) The speaker of the house of
11 representatives and majority and minority floor leaders of
12 the house;

13
14 (iv) A member of the senate selected by the
15 president of the senate and a member of the house selected
16 by the speaker of the house not later than March 31, 2014
17 and by March 31 of each odd numbered year thereafter.

18
19 (b) A quorum of the oversight group shall consist of
20 the governor and a majority of the legislative members of
21 the oversight group. Except for approvals under W.S.
22 9-5-112(e) and (f), actions of the oversight group may be
23 taken by vote of a majority of the legislative members in
24 attendance or by their proxy vote and the governor.

1

2 (c) The oversight group shall have the powers and
3 duties as provided by law.

4

5 (d) Staff and support for the oversight group shall
6 be provided by the legislative service office. The
7 construction management program of the department shall
8 assist the staffing of the oversight group as directed by
9 the governor.

10

11 (e) The oversight group shall continue in existence
12 until December 31, 2019.

13

14 **9-5-112. Capitol building rehabilitation and**
15 **restoration project; components; oversight.**

16

17 (a) The department shall proceed with level III
18 design and construction for renovation, rehabilitation,
19 restoration and addition to the state capitol building, the
20 Herschler state office building and the connection between
21 the two (2) buildings in accordance with presentations to
22 the management council of the legislature on November 18,
23 2013 and January 9, 2014, and the provisions of W.S.

1 9-5-109 through 9-5-113. The project shall proceed as a
2 single funded project with the following components:

3
4 (i) Capitol building restoration and
5 rehabilitation;

6
7 (ii) Herschler state office building renovation,
8 rehabilitation and additional construction including a
9 structure connecting the Herschler building and the capitol
10 building and addition to the Herschler building;

11
12 (iii) Temporary space accommodations within the
13 Herschler building and in other state owned buildings, or
14 in other leased buildings, if determined by the governor
15 necessary or advisable for the project, for current
16 occupants of the Herschler building and capitol building;

17
18 (iv) Restoration, rehabilitation and renovation
19 of the Herschler building after temporary space
20 accommodations are no longer needed;

21
22 (v) Furniture, fixtures and equipment for the
23 project;

24

1 (vi) Contingency costs, costs of fees and other
2 costs associated with the project.

3

4 (b) The level III design shall allocate space within
5 the capitol building to meet legislative needs, needs of
6 the governor's office and security needs in the capitol
7 building as determined by the oversight group and the
8 governor. In determining space allocations under this
9 subsection the oversight group and the governor shall be
10 guided by level II studies for the capitol building
11 restoration and rehabilitation conducted in 2013. To the
12 extent the oversight group and the governor determine that
13 all such needs cannot be accommodated within the capitol
14 building, legislative committee rooms and offices for
15 committee chairmen and associated legislative session staff
16 may be within the structure connecting the capitol building
17 and Herschler state office building. If the governor and
18 the oversight group determine that space will exist in the
19 capitol building in excess of the needs of the legislature,
20 the governor's office and capitol building security needs,
21 then the department, in consultation with the advisory task
22 force, shall provide one (1) or more design alternatives to
23 the oversight group and governor for review and approval,

1 allocating available remaining space to the statewide
2 elected officials and staff in the priority order listed:

3

4 (i) The office of the secretary of state;

5

6 (ii) The office of the state auditor;

7

8 (iii) The office of the state treasurer;

9

10 (iv) The office of the superintendent of public
11 instruction.

12

13 (c) The Herschler state office building
14 rehabilitation, renovation and addition shall be designed
15 to accommodate offices for the officials listed in
16 paragraphs (b)(i) through (iv) of this section for which
17 insufficient space is provided within the capitol building
18 restoration, renovation and rehabilitation design.

19

20 (d) The department, in consultation with the advisory
21 task force, shall provide alternatives for temporary
22 location of elected officials and legislative functions
23 during project construction. The alternatives shall be

1 submitted to the governor and the oversight group for
2 review and approval.

3
4 (e) No funds shall be expended for the purposes of
5 construction until final design plans for the project have
6 been submitted to the advisory task force for review and
7 comment and to the governor and the oversight group for
8 review and a majority of the legislative members of the
9 oversight group has recommended approval and the governor
10 has approved the plans.

11
12 (f) The department may expend funds appropriated by
13 the legislature for the project to implement the design,
14 renovation, restoration, rehabilitation, construction and
15 other project components which have been included in the
16 final design plans approved under subsection (e) of this
17 section. Any change order to the approved final design
18 plans in excess of one hundred thousand dollars
19 (\$100,000.00) or in a cumulative amount in excess of one
20 million dollars (\$1,000,000.00) shall require the approval
21 of a majority of the legislative members of the oversight
22 group and the governor.

1 9-5-113. Capitol building rehabilitation and
2 restoration project; design and construction execution.

3
4 (a) Notwithstanding W.S. 9-5-101 through 9-5-108, for
5 all components of the project:

6
7 (i) The construction management program within
8 the general services division of the department shall be
9 the primary fiscal and contracting agent;

10
11 (ii) Level III design and construction shall
12 proceed under the immediate direction and control of the
13 governor in accordance with the provisions of W.S. 9-5-110
14 through 9-5-113;

15
16 (iii) In addition to those items required by law
17 to be presented to the advisory task force for advice, as
18 recommended by the oversight group and directed by the
19 governor, the department shall consult with the advisory
20 task force on other project items as the project
21 progresses.

22

1 **Section 2.** W.S. 9-1-604, 9-5-101(b), 9-5-109(j) and
2 by creating new subsections (k) through (q), 28-8-112 and
3 41-3-723(a) are amended to read:

4

5 **9-1-604. Office in state capitol building; private**
6 **practice prohibited; exception.**

7

8 The attorney general shall keep an office in the state
9 ~~capitol building~~ capital, shall not open an office
10 elsewhere and shall not engage in any private practice
11 except to consummate business pending at the time of his
12 appointment if not in conflict with the duties of his
13 office.

14

15 **9-5-101. State building commission; composition;**
16 **general powers and duties; conflicts of interest.**

17

18 (b) The state building commission shall promulgate
19 rules under which the general services division has charge
20 and control of the capitol building with respect to its
21 occupancy, repair and maintenance and shall collect all
22 rents arising from the occupancy of the capitol building.
23 All rents collected under this section shall be paid into
24 the general fund. Rules with respect to the occupancy of

1 the capitol building shall be subject to and in accordance
2 with W.S. 9-5-112.

3
4 9-5-109. Advisory task force on capitol building
5 rehabilitation and restoration; composition; duties;
6 account created.

7
8 (j) There is created the capitol building
9 rehabilitation and restoration account. Funds in the
10 account shall only be expended upon appropriation by the
11 legislature to implement projects ~~recommended by the task~~
12 ~~force and~~ approved by the legislature. Notwithstanding any
13 other provision of law, funds within the account shall not
14 be transferred or expended for any other purpose.
15 Notwithstanding W.S. 9-2-1008, 9-2-1012(e), 9-4-207(a) or
16 any other provision of law, funds within the account shall
17 not lapse or revert until directed by the legislature.
18 Earnings on monies within the account shall be deposited to
19 the account.

20
21 (k) There is created the advisory task force on
22 capitol building rehabilitation and restoration.

23
24 (m) The advisory task force shall be comprised of:

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

(i) Three (3) members of the senate appointed by the president of the senate, one (1) of whom shall be senate chairman of the select committee on legislative facilities;

(ii) Three (3) members of the house of representatives appointed by the speaker of the house, one (1) of which shall be the house chairman of the select committee on legislative facilities;

(iii) Five (5) members, one (1) each appointed by each of the five (5) statewide elected officials;

(iv) Two (2) members of the public with special expertise in the history of the capitol building, appointed by the chairmen of the select committee on legislative facilities who shall be nonvoting members;

(v) A staff member from the department of state parks and cultural resources, cultural resources division, appointed by the governor who shall be a nonvoting member; and

1 (vi) A staff member from the department of
2 administration and information, construction management
3 program, appointed by the governor who shall be a nonvoting
4 member.

5
6 (n) The legislative members of the task force shall
7 appoint co-chairmen to preside over meetings.

8
9 (o) The task force shall provide advice and
10 recommendations as provided by law to the capitol building
11 rehabilitation and restoration oversight group and the
12 governor regarding the final design and execution of the
13 capitol building and Herschler state office building
14 project.

15
16 (p) Staff and support for the advisory task force
17 shall be provided by the construction management program of
18 the department. Members who are government employees or
19 public officials shall be considered on official business
20 of their agency when performing duties as members of the
21 task force. Other members shall receive mileage and per
22 diem in the same manner and amount as state legislators
23 when performing duties. Mileage and per diem shall be paid
24 by the appointing authority.

1

2 (g) The advisory task force shall terminate on
3 December 31, 2019.

4

5 **28-8-112. Space in state capitol building.**

6

7 Adequate space in the state capitol building shall be
8 provided for the conduct of activities of the legislature,
9 its committees, the legislative service office and other
10 legislative staff, and the management council ~~and its staff~~
11 subject to and in accordance with W.S. 9-5-112.

12

13 **41-3-723. Hearing procedure generally.**

14

15 (a) Immediately after the filing of such petition,
16 the court wherein such petition is filed or a judge thereof
17 in vacation, shall by order fix a place and time, not less
18 than sixty (60) days nor more than ninety (90) days after
19 the petition is filed, for hearing thereon and thereupon
20 the clerk of said court shall cause notice by publication
21 to be made of the pendency of the petition and of the time
22 and place of hearing thereon; the clerk of said court shall
23 also forthwith cause a copy of said notice to be mailed by
24 U.S. registered mail to the board of county commissioners

1 of each of the several counties having territory within the
2 proposed district. At the same time, and in the same
3 manner, the clerk of said court aforesaid shall forward to
4 the state engineer, at his office in the ~~capitol building,~~
5 ~~in Cheyenne, Wyoming~~ capital, a copy of the notice of
6 hearing, and a certified copy of such petition.

7
8 **Section 3.** Current members of the joint legislative
9 and executive task force on capitol building rehabilitation
10 and restoration created by 2013 Wyoming Session Laws,
11 Chapter 73, Section 339 shall continue as members of the
12 advisory task force created under section 2 of this act
13 until replaced by the appointing authority. Appointments
14 to the advisory task force shall be made by the appointing
15 authority not later than March 31, 2014 and by March 31 in
16 each odd numbered year thereafter.

17
18 **Section 4.**

19
20 (a) There is appropriated two hundred fifty-nine
21 million dollars (\$259,000,000.00) from the capitol building
22 rehabilitation and restoration account created by W.S.
23 9-5-109(j) to the department of administration and
24 information for the purpose of this act.

1

2 (b) There is appropriated to the capitol building
3 rehabilitation and restoration account thirty-seven million
4 five hundred thousand dollars (\$37,500,000.00) from the
5 general fund. The appropriation under this subsection:

6

7 (i) Shall be reduced dollar for dollar by any
8 appropriation to the capitol building rehabilitation and
9 restoration account provided by 2014 House Bill 1 as
10 enacted into law;

11

12 (ii) Is effective June 30, 2014.

13

14 (c) The state treasurer and the state auditor may
15 utilize interfund loans from the permanent Wyoming mineral
16 trust fund reserve account for deposit to the capitol
17 building rehabilitation and restoration account as
18 necessary to meet appropriations from that account and
19 contract obligations of the department of administration
20 and information incurred for purposes of this act.

21

22 (d) The governor shall include an appropriation
23 request in each biennial budget and supplemental budget
24 recommendation in an amount equal to the lesser of thirty-

1 seven million five hundred thousand dollars
2 (\$37,500,000.00) or the outstanding loan balance, including
3 interest owed, until all loans from the permanent Wyoming
4 mineral trust fund reserve account to the capitol building
5 rehabilitation and restoration account are repaid. Any
6 interfund loan pursuant to subsection (c) of this section
7 shall be repaid with interest calculated at the rate
8 provided for interfund borrowing under W.S. 21-13-316.

9
10 (e) There is appropriated from the capitol building
11 rehabilitation and restoration account to the legislative
12 service office sixty-five thousand dollars (\$65,000.00) for
13 per diem, salary and mileage of legislators serving on the
14 capitol building rehabilitation and restoration oversight
15 group or advisory task force and for mileage and per diem
16 for advisory task force members appointed under W.S.
17 9-5-109(m)(iv).

18

19 **Section 5.** 2013 Wyoming Session Laws, Chapter 73,
20 Section 339 is repealed.

21

22 **Section 6.** 2012 Wyoming Session Laws, Chapter 26,
23 Section 3, section 006, "A&I State Office Bldg 4,400,000
24 S0" and footnote 2 is repealed.

1

2 **Section 7.** Any unexpended, unobligated funds
3 remaining from the appropriations contained within 2003
4 Wyoming Session Laws, Chapter 131, Section 332(a)(i)
5 through (iii) and (v) and 2007 Wyoming Session Laws,
6 Chapter 136, Section 3, Section 006 "A&I - Capitol Bldg.
7 Restoration" except for funds approved by the state
8 building commission on November 6, 2013, and subsequently
9 expended to continue work specifically related to capitol
10 repair and as described by W.S. 9-5-108, which actions are
11 hereby ratified, shall be transferred to the capitol
12 building rehabilitation and restoration account created by
13 W.S. 9-5-109(j).

14

15 **Section 8.** The department of administration and
16 information is authorized an additional two (2) time
17 limited, full-time positions within the construction
18 management program for the purposes of this act. Each
19 position shall only be filled if the director of the
20 department determines it is necessary for purposes of this
21 act and the governor approves the action. The department
22 is authorized to expend from the funds appropriated under
23 Section 4(a) of this act four hundred thousand dollars
24 (\$400,000.00). Funds authorized under this section shall be

1 for the period commencing with the effective date of this
2 act through June 30, 2016. Funding for and the positions
3 authorized in this section shall be included in the
4 department's standard budget request for the 2017-2018
5 biennium if determined by the director and the governor to
6 be necessary for purposes of this act. The positions
7 authorized under this section shall terminate not later
8 than June 30, 2018.

9
10 **Section 9.** Except as provided in Section 8 of this
11 act, appropriations within this act remain in effect until
12 the project as defined in W.S. 9-5-112 is completed.
13 Appropriated funds under this act shall be expended only
14 for the purposes specified, and any unused funds remaining
15 at project completion shall revert to the capitol building
16 rehabilitation and restoration account created by W.S.
17 9-5-109(j). The amounts appropriated in this act are
18 intended to provide a maximum amount for the entire project
19 as defined in W.S. 9-5-112 and shall not be construed to be
20 an entitlement or guaranteed amount.

21

1 **Section 10.** This act is effective immediately upon
2 completion of all acts necessary for a bill to become law
3 as provided by Article 4, Section 8 of the Wyoming
4 Constitution.

5

6

(END)